

## Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

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Lleoliad:  
Ystafell Bwyllgora 2 – y Senedd

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Dyddiad:  
Dydd Llun, 30 Medi 2013

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Amser:  
14:30

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



I gael rhagor o wybodaeth, cysylltwch a:

**Gareth Williams**  
Clerc y Pwyllgor  
029 2089 8008/8019  
[PwyllgorMCD@cymru.gov.uk](mailto:PwyllgorMCD@cymru.gov.uk)

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### Agenda

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#### **1 Cyflwyniad, ymddiheuriadau, dirprwyon a datganiadau o fuddiant**

#### **2 Adroddiad Monitro Sybsidiaredd Mai i Awst 2013** (Tudalennau 1 - 12) **CLA(4)22-13(p1)** – Adroddiad Monitro Sybsidiaredd Mai i Awst 2013

#### **3 Papurau i'w nodi** (Tudalennau 13 - 21)

**CLA(4)22-13(p2)** – Llythyr gan Mick Antoniw AC, adroddiad Pwyllgor y Rhanbarthau ar ddeddfwriaeth ddrafft Gwasanaeth Cyflogaeth Gyhoeddus yr UE.

**CLA(4)22-13(p3)** – Llythyr gan Gwenda Thomas AC, y Dirprwy Weinidog Gwasanaethau Cymdeithasol mewn perthynas â'r Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru).

#### **4 Tystiolaeth mewn perthynas â'r Ymchwiliad i rôl Cymru ym mhroses yr UE o wneud penderfyniadau** (Tudalennau 22 - 26)

*(Amser dangosol 14.45 – 15.30pm)*

Tom Jones, Aelod Cymru o'r Pwyllgor Economaidd a Chymdeithasol  
**CLA(4)22-13(p4)** – Tystiolaeth Ysgrifenedig

## **5 Tystiolaeth mewn perthynas â'r Bil Addysg (Cymru)**

*(Amser dangosol 15.30 - 16.30pm)*

Huw Lewis, y Gweinidog Addysg a Sgiliau;  
Emma Williams, Pennaeth Cymorth i Ddysgwyr, Llywodraeth Cymru;  
Gemma Nye, Prif Swyddog Polisi Cyngor y Gweithlu, Llywodraeth Cymru;  
Iwan Robert, y Gwasanaethau Cyfreithiol, Llywodraeth Cymru;  
Ceri Planchant, y Gwasanaethau Cyfreithiol, Llywodraeth Cymru;  
Grace Martins, y Gwasanaethau Cyfreithiol, Llywodraeth Cymru.

Y Bil Addysg (Cymru)

<http://www.senedd.cynulliadcymru.org/mgIssueHistoryHome.aspx?IId=7186>

## **6 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod fel a ganlyn:**

(vi) lle mae'r pwyllgor yn cyd-drafod cynnwys, casgliadau neu argymhellion adroddiad y mae'n bwriadu ei gyhoeddi; neu'n ymbaratoi i gael tystiolaeth gan unrhyw berson;

**Adroddiad Drafft Adolygiad o Bwerau i Weinidogion Cymru o Filiau'r DU**

(Tudalennau 27 - 54)

**CLA(4)22-13(p5) - Adroddiad Drafft**

# Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

Adroddiad monitro sybsidiaredd haf 2013 (Mai - Awst 2013)

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Dyddiad y papur:

Medi 2013

Cynhyrchwyd y papur briffio hwn gan y Gwasanaeth Ymchwil at ddefnydd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol.

I gael rhagor o wybodaeth, cysylltwch ag Owain Roberts yn y Gwasanaeth Ymchwil  
Estyniad ffôn 8584  
E-bost: ([owain.roberts@cymru.gov.uk](mailto:owain.roberts@cymru.gov.uk))

Research  
Service



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## 1. Cyflwyniad

O dan Reol Sefydlog 21, caiff 'pwyllgor cyfrifol' yn y Cynulliad (ar hyn o bryd, y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol) ystyried deddfwriaeth ddrafft yr Undeb Ewropeaidd sy'n ymwneud â materion o fewn cymhwysedd deddfwriaethol y Cynulliad neu sy'n ymwneud â swyddogaethau Gweinidogion Cymru a'r Cwnsler Cyffredinol, a hynny er mwyn ystyried a yw'n cydymffurfio ag egwyddor sybsidiaredd.

Mae egwyddor sybsidiaredd wedi'i hymgorffori yn Erthygl 5 o Gytuniad yr Undeb Ewropeaidd.

1. The limits of Union competences are governed by the principle of conferral. The use of Union competences is governed by the principles of subsidiarity and proportionality.
2. Under the principle of conferral, the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein. Competences not conferred upon the Union in the Treaties remain with the Member States.
3. Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.

The institutions of the Union shall apply the principle of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality. National Parliaments ensure compliance with the principle of subsidiarity in accordance with the procedure set out in that Protocol.

4. Under the principle of proportionality, the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Treaties.

The institutions of the Union shall apply the principle of proportionality as laid down in the Protocol on the application of the principles of subsidiarity and proportionality.<sup>1</sup>

Yn ogystal, llywodraethir y dull o gymhwyso'r egwyddor hon gan y Protocol ar Gymhwyso Egwyddorion Sybsidiaredd a Chymesuredd. Mae'r rhan sy'n berthnasol at ddibenion gwaith y Cynulliad wedi'i chynnwys ym mharagraff cyntaf Erthygl 6:

Any national Parliament or any chamber of a national Parliament may, within eight weeks from the date of transmission of a draft legislative act, in the official languages of the Union, send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why it considers that the draft in question does not comply with the principle of subsidiarity. **It will be for each national Parliament or each chamber of a national Parliament to consult, where appropriate, regional parliaments with legislative powers.** [Pwyslais y Gwasanaeth Ymchwil]<sup>2</sup>

<sup>1</sup>Cyfnodolyn Swyddogol yr Undeb Ewropeaidd, [Fersiwn wedi'i chydgrynhoi o Gytuniad yr Undeb Ewropeaidd](#), C83/204, 30 Mawrth 2010

<sup>2</sup>Cyfnodolyn Swyddogol yr Undeb Ewropeaidd, [Y Protocol ar Gymhwyso Egwyddorion Sybsidiaredd a Chymesuredd](#), C310/207, 16 Rhagfyr 2004

## 2. Y broses fonitro

Er mwyn sicrhau bod y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol yn cyflawni ei swyddogaeth monitro sybsidiaredd yn effeithiol, fel y nodir yn y Rheolau Sefydlog, mae swyddogion y Cynulliad yn monitro holl gynigion deddfwriaethol drafft yr UE sy'n ymwneud â Chymru yn systematig er mwyn gweld a ydynt yn codi pryderon sybsidiaredd. Amlinellir y modd y mae swyddogion y Cynulliad yn monitro'r cynigion hyn isod:

- Yn gyntaf, rhoddir gwybod i'r Cynulliad am yr holl gynigion a gaiff eu cyhoeddi gan y Comisiwn Ewropeaidd drwy restr a gaiff ei hanfon gan y Swyddfa Dramor a Chymanwlad ar ran Llywodraeth y DU at Wasanaeth Ymchwil y Cynulliad.
- Yna, bydd yr adran berthnasol o Lywodraeth y DU yn paratoi memorandwm esboniadol a fydd wedi'i seilio ar y cynigion a amlinellir yn y rhestr. Fel arfer, bydd hyn yn digwydd rhwng pedwar a chwe wythnos i'r dyddiad y ceir yr hysbysiad gwreiddiol gan y Swyddfa Dramor a Chymanwlad. Mae pob memorandwm yn cynnwys asesiad o effaith y cynigion ar bolisiâu (gan gynnwys asesiad o farn adran berthnasol Llywodraeth y DU ynghylch a yw'r cynnig yn codi unrhyw bryderon sybsidiaredd). Mae copi o bob memorandwm yn cael ei anfon at y Cynulliad drwy'r Gwasanaeth Ymchwil.
- Mae'r Gwasanaeth Ymchwil yn hidlo'r memoranda sy'n dod i law er mwyn ystyried a yw'r cynigion cysylltiedig yn 'deddfwriaethol' neu'n 'anneddfwriaethol'<sup>3</sup> ac a ydynt yn cynnwys materion a allai fod o ddiddordeb i'r Cynulliad (hynny yw, materion sy'n berthnasol i faterion datganoledig).
- Bydd y memoranda hynny sy'n gysylltiedig â chynigion sy'n 'deddfwriaethol' ac sy'n ymdrin â materion sydd o ddiddordeb i'r Cynulliad yn cael ystyriaeth bellach gan swyddogion o Wasanaeth Cyfreithiol y Cynulliad, Swyddfa Brwsel a'r Gwasanaeth Ymchwil er mwyn penderfynu a ydynt yn codi pryderon sybsidiaredd.
- Os bydd cynnig yn codi pryderon sybsidiaredd, bydd swyddogion y Cynulliad yn rhoi gwybod ar unwaith i'r Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol. Yna, gofynnir i Aelodau ystyried a ddylai'r Pwyllgor ofyn i'r naill Dŷ neu'r llall yn San Steffan, neu i'r ddau ohonynt, gyhoeddi 'barn resymedig' ar y cynnig neu beidio.
- Bydd y cynigion hynny sy'n 'deddfwriaethol' ac sy'n berthnasol i faterion datganoledig ond nad ydynt yn codi pryderon sybsidiaredd yn cael eu coladu mewn adroddiad monitro a gaiff ei gynhyrchu gan y Gwasanaeth Ymchwil. Mae'r adroddiad hwn yn cael ei ystyried yn bapur i'w nodi gan y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol ym mhob tymor o fewn blwyddyn yn y Cynulliad (tymor yr hydref [Medi-Rhagfyr], tymor y gwanwyn [Ionawr-Ebrill] a thymor yr haf [Mai-Awst]).

Felly, mae'r adroddiad hwn yn cynnwys trosolwg cyffredinol o'r cynigion deddfwriaethol drafft a anfonwyd i Wasanaeth Ymchwil y Cynulliad gan yr UE rhwng mis Mai a mis Awst 2013. Mae hefyd yn cynnwys rhagor o wybodaeth am y cynigion hynny y nodwyd eu bod yn 'deddfwriaethol' ac yn berthnasol i faterion datganoledig y Cynulliad gan swyddogion y

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<sup>3</sup> Dim ond mewn perthynas â chynigion 'deddfwriaethol' drafft y gellir codi pryderon am sybsidiaredd.



Cynulliad.

Fodd bynnag, noder mai dim ond cynigion 'deddfwriaethol' a gaiff eu monitro yn yr adroddiad hwn. **Nid yw'n cynnwys manylion unrhyw 'gynigion anneddfwriaethol' a allai fod yn berthnasol i waith y Cynulliad.** Mae'r rhain yn cael eu monitro ar wahân gan y Gwasanaeth Ymchwil.

### **3. Trosolwg o gynigion deddfwriaethol drafft yr UE sydd wedi dod i law (Mai – Awst 2013)**

Cafodd Gwasanaeth Ymchwil y Cynulliad gyfanswm o **370** o femoranda gan Lywodraeth y DU mewn perthynas â chynigion yr UE rhwng 1 Mai a 31 Awst 2013.

O'r holl gynigion hynny, nododd swyddogion y Cynulliad fod **18** ohonynt yn 'deddfwriaethol' ac o ddiddordeb i'r Cynulliad.

Yn dilyn gwaith dadansoddi pellach gan swyddogion o Wasanaeth Cyfreithiol y Cynulliad, Swyddfa Brwsel a'r Gwasanaeth Ymchwil, **penderfynwyd nad oedd yr un o'r 18 o gynigion yn codi pryderon sybsidiaredd.** Gwelir isod fanylion am y cynigion hyn.

### 3.1. Cynigion deddfwriaethol yr UE nad oeddent yn codi unrhyw bryderon sybsidiaredd

**Dyddiad yr  
anfonwyd y  
memorandwm**

**Teitl a disgrifiad**

8 Mai 2013	<p><i>Cynnig diwygiedig ar gyfer Rheoliad gan Senedd Ewrop a'r Cyngor ar <b><u>Gronfa Môr a Physgodfeydd Ewrop</u></b> (COM(2013)245).</i></p> <p>Mae'r cynnig diwygiedig hwn yn ceisio cysoni'r system ar gyfer rheoli Cronfa Môr a Physgodfeydd Ewrop â'r drefn ar gyfer cronfeydd Strwythurol a Buddsoddi Ewropeaidd eraill o dan y Rheoliad Darpariaethau Cyffredin.</p>
9 Mai 2013	<p><i>Cynnig i gael Penderfyniad gan y Cyngor er mwyn pennu'r safbwynt y dylai'r Undeb Ewropeaidd ei arddel ar y Pwyllgor ar Gaffael gan Lywodraethau mewn perthynas â phenderfyniadau sy'n rhoi rhai o ddarpariaethau'r Protocol i Ddiwygio'r <b><u>Cytundeb ar Gaffael gan Lywodraethau ar waith</u></b> (COM(2013)142).</i></p> <p><i>Cynnig i gael Penderfyniad gan y Cyngor ar ddod â'r Protocol i Ddiwygio'r <b><u>Cytundeb ar Gaffael gan Lywodraethau i ben</u></b> (COM(2013)143).</i></p> <p>Mae'r cynigion hyn yn ceisio dod â'r 'Protocol' i ddiwygio'r Cytundeb ar Gaffael gan Lywodraethau i ben ar ran yr UE. Cytundeb rhyngwladol o dan Sefydliad Masnach y Byd yw'r Cytundeb ar Gaffael gan Lywodraethau, ac mae'r sawl sy'n ei lofnodi'n cytuno ar y cyd i wneud eu marchnadoedd cyhoeddus a'u marchnadoedd cyfleustodau yn agored.</p>
14 Mai 2013	<p><i>Cynnig diwygiedig ar gyfer Rheoliad gan Senedd Ewrop a'r Cyngor i osod darpariaethau cyffredin ar <b><u>Gronfa Datblygu Rhanbarthol Ewrop, Cronfa Gymdeithasol Ewrop, y Gronfa Cydlyniant, Cronfa Amaethyddol Ewrop ar gyfer Datblygu Gwledig a Chronfa Môr a Physgodfeydd Ewrop a gwmpesir gan y Fframwaith Strategol Cyffredin a gosod darpariaethau cyffredinol ar gyfer Cronfa Datblygu Rhanbarthol Ewrop, Cronfa Gymdeithasol Ewrop a'r Gronfa Cydlyniant a diddymu Rheoliad</u></b> (COM(2013)246).</i></p> <p>Mae'r cynnig hwn yn diwygio'r Rheoliad Darpariaethau Cyffredin i wneud y system ar gyfer rheoli Cronfa Môr a Physgodfeydd Ewrop yn gydnaws â'r polisi cydlyniant.</p>



28 Mai 2013	<p><i>Cynnig ar gyfer Rheoliad gan Senedd Ewrop a'r Cyngor ar <b><u>iechyd anifeiliaid</u></b> (COM(2013)260).</i></p> <p>Mae'r cynnig hwn yn pennu fframwaith cyfreithiol i ategu Strategaeth yr UE ar Iechyd Anifeiliaid, a gyhoeddwyd yn 2007. Amcanion penodol y Rheoliad arfaethedig yw: pennu un fframwaith rheoliadol wedi'i symleiddio sy'n nodi'r amcanion, y cwrpas a'r egwyddorion ar gyfer ymyrraeth reoliadol, sy'n seiliedig ar arferion llywodraethu da ac sy'n cydymffurfio â safonau rhyngwladol (ee OIE) fel bod modd ymateb yn gyflym i achosion o glefydau, sicrhau cysondeb ym mhob rhan o faes iechyd anifeiliaid, lleihau effaith clefydau anifeiliaid ar iechyd anifeiliaid a'r cyhoedd, lles anifeiliaid, yr economi a'r gymdeithas i'r graddau y mae hynny'n bosibl, a sicrhau bod y farchnad fewnol o ran anifeiliaid a chynhyrchion anifeiliaid yn gweithredu'n ddiffwdan.</p> <p>Mae'r cynnig yn berthnasol i COM(2013)262, 265 a 267 isod.</p>
28 Mai 2013	<p><i>Cynnig ar gyfer Rheoliad gan Senedd Ewrop a'r Cyngor ar <b><u>gynhyrchu deunydd atgynhyrchiol planhigion a'u cynnig ar y farchnad</u></b> (cyfraith deunydd atgynhyrchiol planhigion) (COM(2013)262).</i></p> <p>Mae'r cynnig yn ceisio diweddarau, symleiddio a chydgrynhoi cyfundrefn reoleiddio bresennol yr UE sy'n cynnwys 12 o gyfarwyddebau a thua 90 o ddeddfau eilaidd, a gaiff eu diddymu.</p> <p>Er bod y rheoliad arfaethedig yn cynnwys llawer o agweddau ar gyfundrefn bresennol yr UE, mae hefyd yn cynnwys gofynion ychwanegol sy'n ceisio egluro a chysoni dulliau gweithredu presennol yr UE er mwyn sicrhau y gall deunydd atgynhyrchiol planhigion gael eu trosglwyddo heb gyfyngiadau.</p>
28 Mai 2013	<p><i>Cynnig ar gyfer Rheoliad gan Senedd Ewrop a'r Cyngor ar <b><u>fesurau i ddiogelu rhag plâu sy'n effeithio ar blanhigion</u></b> (COM(2013)267).</i></p> <p>Mae'r cynnig yn ceisio atgyfnerthu'r drefn bresennol o ran iechyd planhigion er mwyn diogelu amaethyddiaeth, garddwriaeth, coedwigaeth, parciau, gerddi a'r amgylchedd yn Ewrop drwy atal plâu a chlefydau niweidiol estron rhag cyrraedd Ewrop a lledu. Yn benodol, mae'r cynnig yn ceisio adfer rhai o ddiffygion y drefn bresennol er mwyn rhoi fframwaith rheoliadol cadarn, cynaliadwy a thryloyw ar waith.</p> <ul style="list-style-type: none"><li>■ Mae'r cynnig yn darparu rheolau technegol manwl ar y canlynol:</li></ul>

- Atal plâu a chlefydau niweidiol rhag cyrraedd Ewrop;
- Blaenoriaethu risgiau;
- Rheoli achosion o blâu a chlefydau;
- Gwella rheolaethau mewnol; a
- Sicrhau gwell prosesau cyfathrebu a chydweithio.

Mae'r rheoliad arfaethedig yn un o bump mewn pecyn o gynigion cysylltiedig i ddiweddarau a symleiddio rheolaethau yn y gadwyn fwyd amaeth a gwella cysondeb ledled yr UE. Mae'r cynigion eraill yn ymwneud â rheolaethau o ran bwyd a bwyd anifeiliaid, deunydd atgynhyrchiol planhigion ac iechyd anifeiliaid, a mesurau ariannol.

Diwygio'r ***Rheoliad Cyfrifon Amgylcheddol*** (COM(2013)247).

29 Mai 2013

Mae'r cynnig hwn yn diwygio'r Rheoliad Cyfrifon Amgylcheddol er mwyn rhoi tri modiwl ychwanegol o gyfrifon ar waith, sef:

- Gwariant ar Ddiogelu'r Amgylchedd;
- Nwyddau a Gwasanaethau Amgylcheddol; a
- Chyfrifon Llif Ffisegol Ynni.

***Cynnig ar gyfer Rheoliad gan Senedd Ewrop a'r Cyngor ar hyrwyddo rhyddid pobl a busnesau i symud, a hynny drwy symleiddio'r broses o dderbyn rhai dogfennau cyhoeddus penodol yn yr UE*** (COM(2013)228).

3 Mehefin  
2013

Mae'r rheoliad hwn yn cynnig y dylai dogfennau cyhoeddus a grewyd yn yr aelod-wladwriaethau gael eu heithrio rhag bob math o 'gyfreithloni'. Mae 'cyfreithloni' yn cyfeirio at gadarnhau bod y llofnod, y sêl neu'r stamp ar ddogfen gyhoeddus yn ddilys.

Diffinnir dogfennau cyhoeddus at ddibenion y cynnig fel rhai a gyhoeddir gan awdurdodau aelod-wladwriaeth, ac sy'n cynnwys tystiolaeth ffurfiol mewn perthynas â genedigaeth, marwolaeth, enw, priodas neu bartneriaeth gofrestredig, statws fel rhiant neu fabwysiadwr, preswylfa, dinasyddiaeth a chenedligrwydd, eiddo tiriog, statws cyfreithiol a chynrychiolaeth unrhyw gwmni neu fenter arall, hawliau eiddo deallusol a diffyg cofnod troseddol. Yn y DU, nid yw'n ofynnol i ddogfennau a ddefnyddir yn y DU gael eu cyfreithloni.

Mae'r Rheoliad hefyd yn cynnig sefydlu ffurflenni safonol amlieithog yn yr UE ar gyfer genedigaeth, marwolaeth, priodas, partneriaethau cofrestredig

a statws cyfreithiol a chynrychiolaeth unrhyw gwmni neu fenter arall. Yn ogystal, gellid sefydlu ffurflenni safonol maes o law ar gyfer dogfennau o ran enw, statws fel rhiant neu fabwysiadwr, preswylfa, dinasyddiaeth a chenedligrwydd, eiddo tiriog, hawliau eiddo deallusol a diffyg cofnod troseddol.

3 Mehefin  
2013

*Cynnig ar gyfer Rheoliad gan Senedd Ewrop a'r Cyngor ar reolaethau swyddogol a **gweithgareddau swyddogol eraill a gymhwysir i sicrhau y gweithredir cyfreithiau o ran bwyd a bwyd anifeiliaid, rheolau ar iechyd a lles anifeiliaid, iechyd planhigion, deunydd atgynhyrchiol planhigion a chynhyrchion diogelu planhigion** (COM(2013)265).*

Mae'r rheoliad hwn yn berthnasol i COM(2013)267 (gweler uchod) ac mae'n cynnig fframwaith newydd ar gyfer trefnu rheolaethau swyddogol, fel ymchwiliadau ac archwiliadau, a gynhelir gan aelod-wladwriaethau a'u hawdurdodai gorfodi dirprwyedig i gadarnhau a yw busnesau'n cydymffurfio â'r gyfraith o ran y gadwyn fwyd amaeth.

Mae'r cynnig yn ceisio symleiddio'r fframwaith deddfwriaethol presennol a chreu dull mwy integredig o ran rheolaethau swyddogol ar hyd y gadwyn fwyd amaeth yn ei chyfanrwydd drwy gynnwys rheolaethau ar gyfer bwyd, bwyd anifeiliaid, iechyd a lles anifeiliad, iechyd planhigion a deunydd atgynhyrchiol planhigion o fewn ei gwmpas.

7 Mehefin  
2013

*Cynnig gan Senedd Ewrop a'r Cyngor i ddiwygio Rheoliad (yr UE) Rhif 528/2012 ynghylch cynnig **cynhyrchion bioladdol** ar y farchnad a'u defnyddio, gan ystyried rhai amodau o ran mynediad i'r farchnad (2013/0150(COD)).*

Cemegion a ddefnyddir i reoli organebau niweidiol yw bioladdwyr, er enghraifft cadwolion pren, diheintyddion, gwenwyn llygod a phryfladdwyr. Cânt eu rheoleiddio ar hyn o bryd gan Reoliad newydd uniongyrchol yr UE Rhif 528/2012 a ddaeth i rym ar 1 Medi 2013.

Mae'r cynnig yn ceisio gwneud diwygiadau pellach i'r Rheoliad er mwyn cywiro ambell wall.

14 Mehefin  
2013

*Cynnig ar gyfer Rheoliad gan Senedd Ewrop a'r Cyngor i sefydlu fframwaith ar **fynediad y farchnad i wasanaethau porthladd a thryloywder ariannol porthladdoedd** (COM(2013)295 & 296).*

Mae'r cynnigion hyn yn ceisio gosod fframwaith rheoliadol sydd â'r nod o wella effeithlonrwydd a chystadleurwydd holl borthladdoedd yr UE a

chyfrannu at eu gallu i ymdopi â mwy o alw yn y sector trafndiaeth a logisteg.

Byddai'r Rheoliad arfaethedig yn darparu ar gyfer y canlynol:

- sefydlu'r egwyddor o ryddid i ddarparu mathau penodol o wasanaethau porthladd, yn amodol ar ofynion penodol;
- gellir cyfyngu ar nifer y darparwyr sy'n cystadlu a'i gilydd, ac os gosodir cyfyngiad, rhaid cael proses ddethol dryloyw ar gyfer contractau;
- gall aelod-wladwriaethau osod goblygiadau gwasanaeth cyhoeddus, ac o dan yr amgylchiadau hynny gallant ddewis cadw gwasanaethau porthladd yn fewnol, ac felly ni fydd yn rhaid eu tendro;
- darpariaethau sy'n ei gwneud yn ofynnol i daliadau gan awdurdodau cyhoeddus fod yn dryloyw a gofynion cyfrifyddu penodol eraill;
- gofynion sy'n ymwneud â'r ffioedd a godir am wasanaethau porthladd (gan gynnwys trin cargo) a seilwaith, gan gynnwys y pŵer i'r Comisiwn fabwysiadu deddfau dirprwyedig mewn perthynas ag egwyddorion ffioedd porthladdoedd a'r sail ar eu cyfer;
- gofynion o ran yr angen i borthladdoedd ymgynghori â defnyddwyr porthladdoedd a rhanddeiliaid eraill;
- creu neu bennu'r trefniadau ar gyfer 'corff goruchwylio newydd' y byddai angen iddo ymchwilio i gwynion o ran achosion honedig o dorri gofynion y Rheoliad, a gwneud dyfarniad yn eu cylch.

*Cynnig ar gyfer Rheoliad gan Senedd Ewrop a'r Cyngor sy'n gosod darpariaethau ar gyfer **rheoli gwariant mewn perthynas â'r gadwyn fwyd, iechyd anifeiliaid a lles anifeiliaid, ac mewn perthynas ag iechyd planhigion a deunydd atgynhyrchiol planhigion** (COM(2013)327).*

21 Mehefin  
2013

Mae'r cynnig yn pennu fframwaith strategol ac amcanion clir ar gyfer rhoi rhaglenni a ariennir ar waith. Bydd yn gosod dangosyddion ar gyfer llwyddiant ac yn darparu mwy o eglurder o ran cyfraddau ariannu.

Mae'r rheoliad hefyd yn pennu'r cwmpas a'r amcanion ar gyfer gwariant ar fwyd a bwyd anifeiliaid. Yn unol â'r trafodaethau ar y fframwaith ariannol amlflwydd, mae hefyd yn pennu'r terfyn uchaf o ran gwariant mewn perthynas â bwyd a bwyd anifeiliaid yn ystod y cyfnod rhwng 2014 a 2020 yn ei gyfanrwydd.

10 Gorffennaf 2013	<p><i>Cynnig i gael Penderfyniad gan Senedd Ewrop a'r Cyngor ar wella <u>cydweithrediad rhwng Gwasanaethau Cyflogaeth Gyhoeddus</u> (COM(2013)430).</i></p> <p>Mae'r cynnig yn ceisio ehangu, atgyfnerthu a chydgrynhoi mentrau parhaus (fel y Rhwydwaith Ewropeaidd ar gyfer Penaethiaid Gwasanaethau Cyflogaeth Gyhoeddus) er mwyn moderneiddio Gwasanaethau Cyflogaeth Gyhoeddus a gwella'r ffordd y mae marchnadoedd llafur yn gweithio.</p>
17 Gorffennaf 2013	<p><i>Cynnig ar gyfer Rheoliad gan Senedd Ewrop a'r Cyngor ar fonitro, adrodd a gwirio <u>allyriadau carbon deuocsid o drafnidiaeth forol</u> (COM(2013)480).</i></p> <p>Mae'r cynnig yn ei gwneud yn ofynnol i allyriadau CO2 o longau (sydd â thunelledd o fwy na 5000 gros) gael eu monitro a bod adroddiadau'n cael eu cyflwyno'n flynyddol. Y cwmni sy'n gyfrifol am weithredu'r llong fyddai'n gyfrifol am fonitro a chyflwyno adroddiadau a byddai'r adroddiadau hynny'n cael eu gwirio gan ddilyswr achrededig annibynnol.</p> <p>Mae'r cynnig hefyd yn diwygio Rheoliad presennol yr UE Rhif 525/2013 er mwyn cynnwys y gwaith o fonitro a chyflwyno adroddiadau ar allyriadau CO2 o drafnidiaeth forol.</p>
1 Awst 2013	<p><i>Cynnig i gael Penderfyniad ynghylch cyfranogiad yr Undeb mewn Rhaglen Ymchwil a Datblygu sydd â'r nod o <u>gefnogi mentrau bach a chanolig sy'n ymgymryd â gwaith ymchwil</u> (COM(2013)493).</i></p> <p>Mae'r cynnig yn nodi rheolau ar gyfer cymryd rhan yn Eurostars-2, y rhaglen sy'n dilyn Cydraglen Eurostars. Rhaglen ymchwil ar y cyd yw Eurostars sy'n cefnogi busnesau bach a chanolig sy'n ymgymryd â gwaith Ymchwil a Datblygu i gyflawni gwaith ymchwil sy'n canolbwyntio ar y farchnad ar gyfer prosiectau traws-wladol.</p> <p>Mae'r Comisiwn yn cynnig y bydd Eurostars yn parhau fel rhaglen rhwng 2014 a 2020.</p>
1 Awst 2013	<p><i>Cynnig ar gyfer Rheoliad gan y Cyngor ar <u>Gydfenter y Diwydiannau Bio</u> (COM(2013)496).</i></p> <p>Mae'r rheoliad yn ymwneud â chreu Cydfenter i Ddiwydiannau Bio gyda'r bwriad o'i gwneud yn bosibl arddangos technolegau newydd a datblygu</p>

modelau busnes newydd gan arwain at greu elfennau newydd i ddatblygu'r diwydiant cemegion, deunyddiau bio a chynhyrchion i ddefnyddwyr.

Prif amcan Cydfenter y Diwydiannau Bio yw annog mwy o gydweithio a chydgysylltu yn y diwydiannau bio ledled yr UE.

*Cynnig i gael Penderfyniad gan Senedd Ewrop a'r Cyngor ar **gyfranogiad yr Undeb yn y Rhaglen Ymchwil a Datblygu ar gyfer Bywyd Bywiog a Byw â Chymorth**, a gynhelir ar y cyd gan nifer o'r aelod-wladwriaethau (COM(2013)500).*

2 Awst 2013

Mae'r cynnig hwn yn ceisio galluogi'r Undeb Ewropeaidd i gyfrannu'n ariannol at y rhaglen a gynhelir gan nifer o'r aelod-wladwriaethau i ddatblygu datrysiadau TGCh o ran bywyd bywiog a byw â chymorth, sef y Rhaglen Ymchwil a Datblygu ar gyfer Bywyd Bywiog a Byw â Chymorth ('AAL2').

Mae'r cynnig yn disgrifio'r model llywodraethu, y gweithdrefnau dewis prosiectau ac agweddau gweithredol eraill ar AAL2.

*Cynnig ar gyfer Rheoliad gan y Cyngor ar y **Gydfenter o ran Cydrannau a Systemau Electronig ar gyfer Arweinwyr Ewropeaidd** (COM(2013)501).*

2 Awst 2013

Mae'r rheoliad hwn yn ymwneud â chreu Cydfenter ar Gydrannau a Systemau Electronig ar gyfer Arweinwyr Ewropeaidd a fydd yn cyflawni ac yn ategu gwaith ymchwil ar lefel Ewropeaidd, gweithgareddau datblygu ac arloesi ym maes microelectroneg / nanoelectroneg, systemau planedig (*embedded*) a systemau clyfar (*smart*).

Bydd y Gydfenter hon yn cyfuno gwaith dwy gydfenter flaenorol, sef ARTEMIS (ar systemau planedig) ac ENIAC (ar nanoelectroneg) a bydd hefyd yn ategu gwaith ar systemau clyfar a nodwyd gan Blatfform Technoleg Ewrop ar Integreiddio Systemau Clyfar (EPoSS).



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Mick Antoniw

Aelod Cynulliad dros  
Bontypridd

Assembly Member for  
Pontypridd

17 September 2013

David Melding AM  
Chair of Constitutional and Legislative Affairs Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear David,

## **Committee of the Regions report on EU Public Employment Service draft legislation**

I am writing to you in my capacity as the National Assembly for Wales' representative on the Committee of the Regions to draw to the attention of the Constitutional and Legislative Assembly Committee the work I am currently undertaking for the Committee of the Regions.

At the beginning of July I was nominated by the Economic and Social Affairs (ECOS) Commission as rapporteur to prepare the Committee of the Regions opinion on draft legislative proposals published by the European Commission in June that aim to strengthen and formalise cooperation between European Public Employment Services (PES). Such co-operation, which has been ongoing for over a decade, is very much focused on improving performance in the services provided to job seekers and employers, aimed ultimately at increasing employment.

My draft report (copy attached) goes through a two-stage formal adoption process:

- 2 October: the 'committee' stage – meeting of the ECOS Commission
- 28-29 November: full Committee of the Regions plenary

The report was prepared on the basis of evidence gathering in Brussels, Wales and London over the summer, with the support of my expert Nia Lewis from the Welsh Government's office in Brussels. It was clear from this work that the co-operation between European PES has been a very positive development at EU level, providing an excellent opportunity for mutual learning and sharing of best practice. I very much welcome the proposals to give a stronger formal basis to this co-operation, through the proposed 'Decision', and my draft report proposes two amendments which I think strengthen the proposals.

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Cynulliad Cenedlaethol Cymru  
GMB House, Morgan Street,  
Pontypridd, CF37 2DS  
Mick.Antoniw@cymru.gov.uk  
www.cynulliadcymru.org  
T +44 (0)29 2089 8134

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National Assembly for Wales  
GMB House, Morgan Street,  
Pontypridd, CF37 2DS  
Mick.Antoniw@wales.gov.uk  
www.assemblywales.org  
T +44 (0)29 2089 8134



Within the UK employment services continue to be a reserved matter, meaning that the Department for Work and Pensions participates in the European PES co-operation on behalf of the UK as a whole. However, there is scope within this arrangement for the devolved administrations to share their experiences with other countries, and my report seeks to encourage a stronger engagement with sub-State employment services and governments by the European PES framework, including requesting direct participation of the Committee of the Regions in the PES network. I have emphasised in particular the importance of focusing on sharing of good practice in combatting youth unemployment as a priority area for this network.

As regards subsidiarity issues, through our evidence gathering the only concerns that we have seen expressed have come from Italy – the Emilia Romagna region – and I am conscious that the Committee is aware of these through the access you gain to such shared information through participation of the Assembly in the Committee of the Regions Subsidiarity Monitoring Network. Italy is one of the rare examples in the EU where employment services are devolved to the regional level, and the response by Emilia Romagna reflects this.

If in your reflections on my draft report the Committee identifies issues that it would like raised, I would be very happy to take this into consideration in the context of amendments before the draft goes to the Committee of the Regions plenary session. I would ideally need to receive these by the end of October in order to make this possible.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mick Antoniw', with a long horizontal stroke extending to the right below the signature.

**Mick Antoniw**  
**Assembly Member for Pontypridd**

CC. Gareth Williams, Clerk of Constitutional and Legislative Affairs Committee





Ein cyf/Our ref LF/GT/0897/13

David Melding AC  
Cadeirydd, Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

25 Medi 2013

Annwyl David,

Rwy'n ysgrifennu i gofnodi fy niolch i'r Pwyllgor am yr ystyriaeth gynhwysfawr a roddodd i'r Bil hwn. Mae eich gwaith yn craffu ar y Bil yn hanfodol os ydym am i'r ddeddfwriaeth hon lwyddo a deallaf fod fy Swyddfa Breifat wedi cysylltu â chi i drefnu cyfarfod i drafod yr adroddiad ymhellach cyn y drafodaeth yn y Cyfarfod Llawn ar 8 Hydref

Cyn hynny, roeddwn i eisiau rhannu â'r Pwyllgor fy ymatebion i nifer o'r argymhellion a wnaed, ac rwy'n ystyried gosod diwygiadau ger bron yn eu cylch fel a ganlyn:

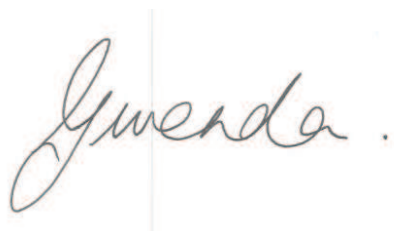
- Newidiadau trefniadol i'r weithdrefn ddeddfwriaethol o Negyddol i Gadarnhaol mewn perthynas â'r adrannau canlynol:
  - 3(6) – Ystyr anabl
  - 7(3) – Diffiniadau o: mentrau cymdeithasol, cwmnïau cydweithredol a sefydliadau trydydd sector
  - 9(3) – Diffiniadau o: dall, byddar a dall a byddar
  - 23 – Dyletswydd i ddiwallu anghenion gofal a chymorth plentyn
  - 26 – Dyletswydd i ddiwallu anghenion gofal a chymorth gofalwr sy'n oedolyn
  - 27 – Dyletswydd i ddiwallu anghenion gofal a chymorth gofalwr sy'n blentyn
  - 105(9) – Gorchmynion Amddiffyn a Chynorthwyo Oedolion
  - 112(4) – Swyddogaethau a gweithdrefnau Byrddau Diogelu
- Newid yn y weithdrefn o Gadarnhaol i Uwchgadarnhaol ar gyfer Adran 117, sy'n ymwneud â'r pŵer i uno Byrddau Diogelu Oedolion a Phlant.

Hoffwn fanteisio ar y cyfle hwn hefyd i gyflwyno tabl sy'n rhoi crynodeb o'r categorïau o ddiwygiadau rwy'n argymhell eu gosod ger bron ar ran y Llywodraeth yn ystod Cyfnod 2. Roeddwn i eisiau gwneud hyn cyn i'r broses gychwyn yn ffurfiol ym mis Hydref er mwyn i chi gael cymaint o amser ag y bo modd i ystyried effaith bosibl y newidiadau hyn.

Gobeithio eich bod yn cytuno bod y diwygiadau uchod a'r rhai sydd wedi'u cynnwys yn y tabl a atodwyd yn ddarlun clir o'm hymrwymiad i wrando ar y Pwyllgor ac ar randdeiliaid.

Rwy'n anfon copi o'r llythyr hwn a'r tabl o'm hymatebion i'ch argymhellion at Gadeirydd y Pwyllgor Iechyd a Gofal Cymdeithasol.

Yr eiddoch yn gywir

A handwritten signature in cursive script that reads "Gwenda." The signature is written in black ink on a white background. A vertical line is drawn through the signature, passing through the middle of the word "Gwenda".

**Gwenda Thomas AC**  
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol

**Proposed Stage 2 Government Amendments**

Topic	Amendments relate to...	Proposed Change / Purpose	Effect	Reason	Estimated number of drafting amendments	Tabling Tranche	Bill Part
1	<b>ASSESSMENT &amp; ELIGIBILITY</b> LF/GT/0442/13	<p><b>Assessment:</b> To amend Section 10, 12 and 15 in order to require that an assessment includes an assessment of whether, and if so, to what extent other factors could contribute to meeting any needs identified;</p> <p>Amend Sections 10, 12 and 15 in order to require a local authority to assess whether the provision of preventative services or information, advice or assistance could contribute to meeting a person's needs or desired outcomes.</p> <p>Amend Sections 10 and 12 in relation to the persons who are required to be involved in the assessment.</p> <p>Amend Sections 10, 12 and 15 to ensure consistency across the Sections; consistency with the language used in Sections 26, 27 and 29; and to change references to 'consult' to 'involve'.</p> <p><b>Eligibility:</b> Amend Section 19 to remove the power for Local Authorities to set their own (lower) eligibility level. Also amend Section 19 to include a regulation making power to specify eligible needs, including describing those needs by reference to the effect that those needs have, and the person's circumstances.</p> <p>Amend Sections 22 and 24 so that the duty to meet needs does not apply to needs that are being met by a carer.</p> <p><b>Eligibility and Preventative Services:</b> Amend Section 19 to include an additional requirement on Local Authorities, following their determination of whether a person's needs meet the eligibility criteria. That requirement will be to consider whether the person would benefit from the provision of services under Sections 6 or 8 of the Bill. This requirement would apply, regardless of the determination of eligibility.</p>	The intended effect of these amendments is to strengthen the connections between assessment; eligibility; preventative services; and information, advice and assistance. The changes will require Local Authorities to take into account a wider range of factors when considering if a person has eligible needs; and will ensure that the person being assessed has other options, even if the Local Authority has determined that they do not meet the eligibility criteria for care and support. The amendments will also ensure consistency with section 15, which already makes provision for the persons who are required to be involved in relation to the assessment of the needs of a carer.	Following extensive work with the Social Services Improvement Agency (SSIA) and stakeholders, and the publication of their report: Access to Care and Well-being; in addition to working closely with the Department of Health on the development of their framework for the Care Bill; the Deputy Minister agreed to amend the Bill in order to meet the principles of the SSIA report, and to achieve the flexibility required to deliver the new core services for assessment and eligibility in Wales.	29	1	3 and 4
2	<b>Section 117 of MHA (1983)</b> LF/MD/0476/13	To amend Section 37 to remove subsection (5).	The effect of this amendment is the removal of a regulation making power in relation to the interface between direct payments under the Bill and after-care services provided under Section 117 of the Mental Health Act 1983.	Technical amendments for consistency.	1	1	4
3	<b>FOSTER TO ADOPT</b> LF/GT/0425/13	To amend section 65 in a way that would enable looked after children to be placed with 'matched' prospective adopters at an earlier stage in the adoption process.	It is intended that these amendments would remove the necessity for prospective adopters to undergo the lengthy assessment process for Local Authority foster parent registration. This would reduce the delay in the placement of children in such cases, thereby ensuring earlier placement with their adoptive parent(s) (under a fostering placement) and avoid the need for changes of placement for the child. Those relevant prospective adopters would also receive the same entitlements as regular approved foster carers, including support and any appropriate fees.	We have proposed these amendments in an attempt to tackle the issue of delay without the potential risk of adverse effects on the child or prospective adopters. This is also something that was raised by Stakeholders and the Children and Young People's Committee during Scrutiny as something they wished to see within the Bill.	19	3	6

4.1	<b>CARE LEAVER ENTITLEMENTS - PART 1</b>	<p>Section 88 - Young people entitled to support – to amend the Categories of young person entitled to support and assistance from 5 to 6. The amendment effectively splits the “former relevant children” definition into two separate Categories as opposed to a single Category:-</p> <p>Category 3, former relevant children who has passed the age of 18 and for whom the LA is providing support and assistance (previously 23CA of the Children Act 1989); and Category 4, former relevant children who have ceased contact with the local authority but before reaching the age of 25 wish to re-engage with the local authority and seek support and assistance to pursue a programme of education or training (previously 23CA of the Children Act 1989).</p> <p>Section 88(6) which prescribes the circumstances whereby the duties for Category 3 and 4 young people cease, is deleted and is re-stated in Sections 94C and 94D.</p> <p>Section 89 - Keeping in touch</p> <p>amends duties to “keep in touch” to reflect the revised Categories of children from 5 to 6; limits the duty to “keep in touch” with Category 3 young people to the provisions of 94C; amends existing Children Act 1989 references from “assistance” to “advice and other support” to provide greater consistency of language with the Bill;</p> <p>Section 90 – Personal Advisors: Pathway assessment and Plans: amends existing Children Act 1989 references from “assistance” to “advice and other support” to provide greater consistency of language with the Bill and limits the duty to keep the pathway plan of Category 3 and 4 young people under review to the provisions of 94C and 94D.</p> <p>Section 91 - Pathway assessment and Plans: amends existing Children Act 1989 references from “assistance” to “advice and other support” to provide greater consistency of language with the Bill.</p>	The intended effect of these amendments is to preserve the entitlements currently under the Children Act 1989 for each of the current categories of care leavers – “eligible child”, “relevant child”, “former relevant child”, “(young persons entitled to) further assistance to pursue education or training” and “persons qualifying for advice and assistance”. These have been translated within the Bill into Category 1 - 6 young persons.	The reason for the amendments proposed follows further analysis of the consolidation of entitlements for care leavers under the Children Act 1989 into the Bill, has identified a number of issues where the preservation of entitlement has not been fully achieved. These amendments are required in order to achieve that preservation. LF/GT/0495/12 identified that there would likely be a requirement for amendments to the Children's provisions to ensure compatibility with extant children's legislation.	78	4	6
4.2	<b>CARE LEAVER ENTITLEMENTS - PART 2</b>	<p>Section 92 - Support for Category 2 young people - Desirable “stylistic” amendment to subsection (1).</p> <p>Section 93 - Support for Category 3 young people -</p> <ul style="list-style-type: none"> <li>• desirable “stylistic” amendments to subsections (1), (4), (7) and (8);</li> <li>• clarifies that “support” under this section extends to the contribution it makes to individuals’ well-being, and education and training;</li> <li>• limits the duty to provide support to Category 3 and 4 young people under review to the provisions of 94C;</li> <li>• clarifies that duties to pay relevant to young people pursuing higher education is additional to duties under this section; and</li> <li>• section 93(6) is deleted but restated as section 94B.</li> </ul> <p>Section 93A - Support for Category 4 young people - Inserts provisions to re-state existing Children Act entitlements resulting from revised definition of Category 4 young people.</p> <p>Section 94 - Support for Category 5 and former Category 5 young people - desirable “stylistic” amendments to subsections (1), (4) and (5) and provides that a LA may disregard interruptions in education or training;</p> <p>Section 94A - Support for Category 6 and former Category 6 young</p> <ul style="list-style-type: none"> <li>• Inserts provisions to re-state existing Children Act entitlements resulting from revised definition of Categories of young people.</li> </ul> <p>Section 94B – Supplementary provision about support for young people in further or higher education</p> <ul style="list-style-type: none"> <li>• Re-states Welsh Ministers regulation making power to define “full-time”, “further education”, “higher education” and “vacation” for the purposes of this Part (previously section 93(6)).</li> </ul>	See Part 1 above	See Part 1 above	\	4	6
4.3	<b>CARE LEAVER ENTITLEMENTS - PART 3</b>	<p>Section 94C - Cessation of certain duties in relation to Category 3 young persons</p> <ul style="list-style-type: none"> <li>• Inserts provisions to re-state existing Children Act entitlements resulting from revised definition of Categories of young people including provision for local authorities to dis-regard interruptions to programmes of education or training.</li> </ul> <p>Section 94D - Cessation of certain duties in relation to Category 4 young persons</p> <ul style="list-style-type: none"> <li>• Inserts provisions to re-state existing Children Act entitlements resulting from revised definition of Categories of young people including provision for local authorities to dis-regard interruptions to programmes of education or training.</li> </ul> <p>Section 95 - Charging: amends existing Children Act 1989 references from “accommodation maintenance and support” to “support” to provide greater consistency of language with the Bill.</p> <p>Section 96 Information: amends existing Children Act 1989 references from “accommodation maintenance and support” to “support” to provide greater consistency of language with the Bill.</p> <p>Section 157 – Representations relating to former looked after children etc: Inserts provisions to re-state existing Children Act entitlements resulting from revised definition of Categories of young people.</p> <p>Policy has asked Counsel to consider renumbering the highlighted provisions, to immediately follow the provisions specifying “Support for Category 3 and 4 young people” (which are currently s93 and 93A respectively.)</p>	See Part 1 above	See Part 1 above	\	4	6
5	<b>VISITS - Looked after and Accommodated Children</b> DC/GT/0396/13	Amend Subsection 81(1) to insert a regulation making power after 81(1)(b). The new subsection - 81(1)(c) - will allow Welsh Ministers to specify in regulations other categories of children for which the duty under Section 81 would apply.	The amendment will allow Welsh Ministers to prescribe in regulations additional categories of children to whom the duty should apply. These children, whilst not current or former LAC, may be considered vulnerable, or may otherwise benefit from a visit and assessment on entering the secure estate; and subsequently in preparation for their release and re-integration into the community. It is intended that this will assist with reducing re-offending; whilst also, in conjunction with Regulations under subsection (4), help to clarify the balance of responsibilities of all agencies engaged with such children, such as the secure estate in which the child has been placed, the broader Local Authority, LHBs and Youth Offending Teams.	Section 81 of the Bill, as currently drafted does not provide the power to prescribe those circumstances in which the duty extends. The proposed amendment, therefore, is required in order to ensure that specific groups of children, such as those on remand, are appropriately supported by the Local Authority through the duty under S.81.	1	3	6

6	<b>SAFEGUARDING - Duty to report Children at Risk</b> LF/GT/0427/13	Amend S.108 to extend the duty to report children at risk to 'relevant partners' of Local Authorities. Amend S.106 (duty to report adults at risk) to align the wording of the two duties and provisions at 106 and 108. Amend section 145 to align with the revised definition of 'relevant partner'.	The intended effect of these amendments is to align the duty to report children at risk with the duty to report adults at risk; and to align the revised definition of 'relevant partner' throughout the Bill, so far as is possible.	The reason for these amendments is to align the duty to report children at risk at S.108, with the duty to report adults at risk at S.106.	5	1	7
7	<b>ADVOCACY</b> LF/GT/0433/13	To extend provision for statutory advocacy and meet the Deputy Minister's intention to provide:  For a regulation making power to place duties on Local Authorities to make advocacy available in prescribed circumstances to prescribed persons;  A duty to require Local Authorities to promote and inform people of their right to advocacy;  A duty to require registered care home providers to inform people about the availability of advocacy services by the Local Authority; and  A power to charge for the provision of those advocacy services.	The intended effect is to give the Welsh Ministers power to require Local Authorities to arrange for advocacy services to be made available to certain persons with need for care and support, to ensure that those persons are aware of their right to those advocacy services and to enable Local Authorities to charge for those services.	These amendments are being pursued following significant feedback and evidence submitted from stakeholders and opposition parties during stage 1 scrutiny. This will provide an enabling power to ensure that Local Authorities provide advocacy for some people who may have complex needs and do not have the capability or the wider support network to advocate on their behalf in decisions about their care. This will strengthen the 'voice and control' element of the Bill.	5	1	10
8	<b>Definition of Third Sector (Promoting Social Enterprise)</b> LF/GT/0508/13	To amend the wording of Subsection 7(1)(d) to clarify that 'promoting the availability of care and support and preventative services from third sector organisations' can encompass, but not exclusively, social enterprises and co-operative organisations.	It is intended that the re-wording of this Section will clarify that social enterprises and co-operatives come within the term 'third sector organisations'.	This amendment is being pursued following feedback and evidence submitted from stakeholders throughout the Scrutiny process.	1	4	2
9	<b>REGISTERS (Terminology used)</b> GT/0372/13	To amend the wording of Section 9 and the corresponding reference in Section 1 to remove references to 'blind' and 'deaf' and replace with 'sight-impaired' and 'hearing-impaired'.	The proposed amendments will bring the Bill in line with modern language, whilst further reflecting the broad range and levels of hearing and sight loss.	These amendments are being pursued following feedback and evidence submitted from stakeholders throughout the Scrutiny process.	5	1	2
10	<b>Safeguarding, Co-operation and Guidance</b>	1. Amend subsection (4) of Section 25 of the Children Act 2004 to include, as a relevant partner, any other Local Authority with which the authority agrees it would be appropriate to co-operate under this Section.  2. Amend Section 144 of the Bill to remove subsections (6) and (8).  3. Include a new guidance power in the Bill, to enable Welsh Ministers to issue guidance to Local Authorities and 'relevant partners' in the context of safeguarding and co-operation.	1. The intended effect of 1 is that the arrangements for co-operation and the relevant partners in relation to those arrangements for both adults and children are aligned.  2. The intended effect of 2 in the case of 144(8) is to retain the provision within subsection 25(9) of the Children Act 2004, in order that Secretary of State consent is required in order to issue guidance under this Section. In the case of 144(6), it will no longer insert the provision to enable local authorities and their relevant partners to share information for the purposes of co-operation to improve well-being.  3. The intended effect of 3 is to enable Welsh Ministers to issue statutory guidance to all relevant partners in relation to safeguarding and co-operation.	1. The reason for 1 is to align the co-operation arrangements for both adults and children.  2. The reason for 2 and the removal of subsections (6) and (8) of Section 144 of the Bill is an issue of competence. Consent has not been provided by the Secretary of State for this provision – which is required as it, in the case of 144(8), removes a pre-commencement power from a Minister of the Crown; and in the case of 144(6) confers a function on a Minister of the Crown. Therefore these subsections need to be removed in order to keep the Bill within competence.  3. The reason for 3 and the new guidance power is that on further reflection of the introduced Bill, it was felt that it did not adequately meet the policy needs required in relation to the ability of the Welsh Government to issue statutory guidance to all relevant partners listed in Section 143; and its impact on safeguarding and co-operation.	4	1	9
11	<b>Changes to procedures for Regulations</b> LF/GT/0548/13	Amend the Bill in order to effect a change in procedure for the following regulation making powers:  Negative to Affirmative for Sections – 3(6); 7(3); 9(3); 23(1); 26(1); 27(1); 105(9); 112(4)  Affirmative to Super-Affirmative for Section 117  To apply a Negative procedure to Section 25 of the Children Act 2004, by amending Section 66 of that Act. The regulation making power will be inserted into Section 25 of the 2004 Act following commencement of Section 144 of the Bill.  To amend Section 85 to remove subsection (2), which states that the Lord Chancellor requires the consent of Welsh Ministers in order to make regulations under this Section.  To amend section 77 to clarify that directions can be varied or revoked by later directions.	The effect of these amendments is that all of the regulation making powers contained within the Sections and subsections referenced will be subject to revised levels of procedure; and that the direction-making power in section 77 will be clarified.	The reason for these amendments follows requests and recommendations by the Health and Social Care; and Constitutional and Legislative Affairs Committees to reconsider the procedures for these powers during their scrutiny of the Bill during Stage 1 proceedings; and their subsequent Stage 1 reports.  HSC Recommendation 37; and CLAC Recommendations 3, 5, 9, 10 and 13 refer.  In relation to Section 85 (Referred cases – family procedures) - This is a technical matter which was discussed with Whitehall counterparts during discussions regarding consent in other areas of the Bill. Welsh Government and Whitehall officials agreed that it would be inappropriate to provide that the Lord Chancellor's regulation making power under this section be subject to Welsh Ministers' consent.  The amendment to section 77 is being made to ensure that there is clarity throughout the Bill as to the ability to vary or revoke codes.	13	2	11

12	<b>Provider Failure (Market Management)</b> LF/GT/0387/13 & LF/GT/0524/13	To include provisions to place temporary duties on Local Authorities in Wales to meet the needs of an adult/carer; or help the adult/carer to meet those needs; which immediately prior to business failure, were being met by the failed business, where the business is an establishment or agency registered under Part II of the Care Standards Act 2000. To provide a power for the Local Authority on which the temporary duty is placed, to recover costs from the Local Authority in which the person is ordinarily resident, or, where the person is funding their own care, a power to impose a charge upon that person. To place duties on other Local Authorities and Local Health Boards to co-operate with the Local Authority on which the temporary duty is placed.	It is intended that the proposed amendments will ensure continuity of care for adults in receipt of residential care or domiciliary care, where a provider in the Local Authority's area has ceased to provide that care due to business failure. Details were set out in LF/GT/0287/13 and LF/GT/0524/13.	The main reason for including these provisions is to protect those people that would be affected should another provider fail, such as those affected by the recent issues with Southern Cross and Castle Beck. The Department of Health in England have sought to protect against these issues in Clauses 47-49 of their Care Bill, in addition to some amendments that are currently being planned. Those provisions, however, place duties on Local Authorities in Wales to arrange emergency care for those people that have been placed with a provider located in a Welsh Local Authority area, by a Local Authority in England, Scotland or Northern Ireland, where that provider ceases operation due to business failure. Failure to include the proposed provisions within our Bill would create an inequity of protection between those adults that have been placed by a Local Authority in Wales, and those that have been placed by a Local Authority in England, even though the provider may be based in a Welsh Local Authority area.  The legal provision by which Local Authorities have assisted adults in these circumstances previously, was contained in a power under Section 47(5) of the NHS and Community Care Act 1990. Section 47 of that Act will be repealed by the Social Services and Well-being Bill, with the effect of Section 47(5) having been replicated in Section 22 of our Bill. This, however, is not considered to be sufficient in these circumstances, as it is a power and not a duty to meet needs. There is no current requirement for a Local Authority to meet needs in these circumstances; and no clear distinction of duty.	3	2	11
13	<b>Exception for provision of health services</b>	Amend subsections (1) and (2) of Section 31 of the Bill to add reference to "a health enactment" which is then defined in subsection (10) and which adopts a four nation approach, referring to (a) the National Health Service (Wales) Act 2006, (b) the National Health Service Act 2006, (c) the National Health Service (Scotland) Act 2006, (d) the Health and Personal Social Services (Northern Ireland) Order 1972 and (e) the Health and Social Care (Reform) Act (Northern Ireland) 2009.	The effect is that the scope of a local authority's power or duty to provide care and support, or its power to secure preventative services, does not extend to services or facilities which are required to be provided under the NHS whether this is under an NHS enactment applying not just to Wales or England, but also to Scotland or Northern Ireland.	The adoption of the four nation approach, which will allow persons to be placed in Wales by local authorities or health bodies in England, Scotland and Northern Ireland requires the augmentation of the healthcare exception in section 31 of the Bill to include reference to the health legislation in the other home nations to avoid the risk of over-lapping duties arising.	8	4	4
14	<b>Research</b>	To amend the Bill to include provisions equivalent to the provisions in the Children Act 1989 for Welsh Ministers, local authorities and local health boards to conduct or assist in research relating to their functions under the Bill and to transmit information relating to their functions under the Bill to Welsh Ministers.	To ensure that Welsh Ministers, local authorities and local health boards are able to conduct, commission or assist in the conduct of research in relation to matters connected with functions under the Bill; and that local authorities and local health boards are able to transmit information about the performance of their functions to Welsh Ministers. Key examples include the shared duty to assess the need for care and support etc of their population (under section 6) as well as their duties of co-operation and partnership (under Part 9).	Technical amendment to ensure current ability in relation to research are preserved.	3	4	11
15	<b>Non- Consequential Repeals</b>	<b>Expenses of Council Officers</b> – The proposal is to place a new provision within the Bill that would dis-apply S.49 of NAA '48 in relation to Local Authorities in Wales.	<b>Expenses of Council Officers</b> – The effect of this amendment is the dis-application of S.49 of NAA '48 in relation to Local Authorities in Wales.	The decision for the dis-application in relation to Wales, in this instance, has been taken to improve the coherence of the legal framework in relation to social services in Wales – one of the key objectives of the Bill. The disapplication of s.49 NAA is not consequential on any provision in the Bill, and so cannot be addressed by means of regulations under section 167 of the Bill.	2	4	M
16	<b>PUBLIC SERVICE OMBUDSMAN WALES</b> LF/GT/0024/13	Section 34Y forms part of what will become Part 2B of the Public Services Ombudsman for Wales (PSO(W)) Act 2005, upon commencement of Section 160 of the Social Services and Well-being (Wales) Bill/Act. The current provision provides a power to a Minister of the Crown to prohibit the Public Services Ombudsman for Wales from disclosing documents or information which may be prejudicial to the safety of the State or contrary to public interest. Subsection (3) of 34Y limits that power to only such information that is in relation to an investigation under what is currently Part 2 of the PSO(W) Act. This amendment will remove subsection (3) from Section 34Y of Schedule 3.	It is intended that this proposed amendment will widen the powers of a Minister of the Crown under Section 34Y to include the ability to prohibit the disclosure of such information that is in connection with investigations under the new, broadened powers of the Public Services Ombudsman for Wales, for which the Bill legislates.	The reason for this amendment arises from a previous competence issue. Consent from the Secretary of State was required due to a conferral of new functions on a Minister of the Crown, as a result of the widened powers of the PSOW brought about by the Bill. As consent was not provided prior to introduction, subsection (3) was added to the proposed new section 34Y of the PSO(W) Act 2005 in order to bring the Bill into competence. This amendment seeks to return this section of the Bill to that that was originally intended, prior to introduction. N.B. The Secretary of State for Wales has agreed in principle to provide consent for the conferral of new functions in this instance; and noted that formal clearance will be provided by the UK Government after the summer recess.	1	4	10
17	<b>Ordinary Residence</b>	Amend section 163(1) to clarify that its purpose is to make provision about the ordinary residence of adults living in accommodation of a specified type in Wales and insert new provision to deal with situations where an adult lives in such accommodation for consecutive periods.  Amend section 163(2) to make provision about the ordinary residence of persons provided with accommodation under the health enactments of any of the four nations.  Amend section 163(4) so as to disregard any periods spent in accommodation provided by or on behalf of a local authority in England when determining a child's ordinary residence.	The effect of the amendment to Section 163(1) is to ensure there is no overlap between the Bill and Schedule 1 of the Care Bill when determining an adult's ordinary residence.  The effect of the amendment to section 163(2) is to ensure a consistent approach when determining the ordinary residence of persons provided with accommodation under the four nations' health enactments.  The amendment to the current subsection (4) in relation to children will ensure parity with the current legislative provision (within section 105 of the Children Act 1989).	These amendments are being made in part as a consequence of the provisions in Schedule 1 of the Care Bill and mirror provisions in Sections 22 and 31 of the Care Bill. Others will ensure that the is continuity in the way in which the place of a child's ordinary residence is determined which will ensure that the Bill will operate in tandem with the Children Act 1989.	9	4	4

18	Part 3 Children Act 1989, Miscellaneous	<p>1. To amend the Bill to ensure there is comprehensive equivalence in the definitions between the Bill and those provisions of the 1989 Act that are not being repealed / dis-applied in relation to Wales.</p> <p>2. Amend section 67 to provide that a care and support plan prepared under section 67 can be used as the plan for the purposes of section 31A of the 1989 Act.</p> <p>3. To amend the reference in section 79(4) to section 60.</p> <p>4. To amend sections 98(5), 99(3) and 100(3) to require local authorities to consider whether their continuing duties or functions under the Children Act 1989 in relation to children duties should be exercised.</p> <p>5. To amend the reference in section 59(3) to section 60(1).</p>	<p>1. The overriding policy aim remains to maintain the rights and entitlements currently available within the 1989 Act within the context of the Social Services &amp; Well-being Bill and for ensuring that our Bill dovetails with those provisions of the 1989 Act that are not being repealed / dis-applied in relation to Wales.</p> <p>2. The policy requirement is that local authorities should not be required to prepare multiple plans. Relevant information contained within the Care and support plan prepared under section 67 of the Bill will be capable of extraction in order to formulate the care plan provided to the Court under section 31A of the 1989 Act.</p> <p>3. To provide appropriate cross reference.</p> <p>4. The overriding policy aim remains to maintain the rights and entitlements currently available within the 1989 Act within the context of the Social Services &amp; Well-being Bill.</p> <p>5. To provide appropriate cross reference.</p>	<p>1. There is insufficient congruence with parallel interpretation section of the Children Act 1989.</p> <p>2. Part 4 of the Children Act 1989 creates duties for local authorities in relation to care plans for children in public law family proceedings. Despite the different purposes for which care plans for children are prepared under the 1989 Act and this Bill, this provision will avoid unnecessary duplication of effort.</p> <p>3. Technical. Inappropriate cross reference.</p> <p>4. Sections 98 and 99 are derived from sections 85 and 86 of the Children Act 1989. As currently drafted, the duty to assess is too narrowly drawn.</p> <p>5. Technical. Inappropriate cross reference.</p>	25	3	6
19	Direct Payments	<p>1. To amend Section 37 to include new subsections that state any regulations made under Sections 34, 35 or 36 must require local authorities to take specified steps to enable relevant persons to make informed choices about Direct Payments. A 'relevant person' in this context is anyone whose consent must be obtained as set out under Sections 34, 35 and 36.</p> <p>2. To make miscellaneous minor technical changes.</p>	<p>1. The effect of these amendments is that any regulations under Sections 34, 35 and 36 must place a duty on local authorities to ensure that they enable relevant persons to make informed choices about Direct Payments.</p> <p>2. To clarify the intended meaning.</p>	<p>1. This was a request made under Recommendation 31 in the Health and Social Care Committee's Stage 1 report.</p> <p>2. Technical</p>	6	2	4
20	Safeguarding - Board Partners	Amend Section 111 to include the Probation Service as a partner in the context of Safeguarding Boards, insofar as is possible within the legislative competence.	The effect of this amendment is that any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 will be included as a partner in relation to Safeguarding Boards.	This was a request made under Recommendation 39 in the Health and Social Care Committee's Stage 1 report.	1	2	7
21	Co-operation and Partnership	Amend Section 147 to clarify the elements that any Regulations made under 147(1) <b>must</b> make provision for; and what those Regulations <b>may</b> make provision for. Amend Section 150 to place a duty on Welsh Ministers to issue guidance in relation to any partnership arrangements made under regulations under Section 147.	The effect of these amendments is a strengthening of co-operation and partnership arrangements under the Bill, in that any Regulations made in relation to partnership arrangements under 147(1), must make provision that specifies the local authorities and Local Health Boards that are to take part in partnership arrangements; the form of and the responsibility for the operation and management of those arrangements; the sharing of information; and the guidance that must be issued by Welsh Ministers in relation to those arrangements.	This was a request made under Recommendation 50 in the Health and Social Care Committee's Stage 1 report.	6	2	9
22	Aids & Adaptations	To amend Section 20 to include 'aids and adaptations' in the list under subsection (2).	The effect of this amendment is that aids and adaptations will be included as an example of what may be provided or arranged to meet needs under Sections 21-29.	This was a request made under Recommendation 59 in the Health and Social Care Committee's Stage 1 report.	1	2	4
23	S.12			As currently drafted, the duties and power under these sections of the Bill do not apply where children are looked after by a local authority in Wales; but do apply where children are looked after by a local authority outside of Wales, but who have been placed within the area of a Welsh local authority – effectively discriminating against children who are looked after by Welsh local authorities. These amendments seek to rectify that issue.	TBC	4	3
24	S.23	To amend the Bill to clarify that the references to 'a child looked after by a local authority' within subsections 12(7), 23(4) and 24(4); (which disapply the duties and power under Sections 12, 23 and 24 in relation to those children); are taken to mean a child who is 'looked after' by a local authority in either Wales, England, Scotland, or Northern Ireland.	The effect of these amendments will be that the duty to assess the needs of a child for care and support under Section 12; the duty to meet care and support needs of a child under Section 23; and the power to meet care and support needs of a child under Section 24; are disapplied in relation to any child who is 'looked after' by a local authority in any of the countries referenced.		TBC	4	4
25	S.24				TBC	4	4
26	S.54 Technical	To amend Subsection (1) of Section 54 to remove the word 'under', and replace with the term 'by virtue of' before the word 'Section' in both (1)(a) and (1)(b).	N/A - Technical amendment.	The reason for this amendment is to achieve consistency in drafting throughout the Bill.	1	4	5
27	Consequential & Transitional provision	To amend 167(1) to provide greater clarity in relation to the power it provides. It will be re-worded so as to read: "If the Welsh Ministers consider it necessary or expedient for the purposes of giving full effect to any provision of this Act or in consequence of any such provision, they may by regulations make-"	This amendment will ensure clarity in relation to the Welsh Ministers' powers to make regulations in order to put in place transitional or consequential provisions.	The reason for this amendment is to ensure clarity in relation to the Welsh Ministers' powers to make regulations in order to put in place transitional or consequential provisions.	1	4	11
28	S.154 Welsh change	To amend Section 154 of the Welsh text of the Bill to clarify the difference between 'support' and 'assistance'.	The effect of this amendment will be the clarification of the difference between 'support' and 'assistance' in the Welsh version of the Bill.	This amendment is a correction to the Welsh text only, there is no change required to the corresponding English text.	7	4	10
29	Safeguarding - Technical	Amend Sections 106 and 108 to remove the word 'including', and replace with the word 'or'.	N/A - Technical amendment.	The reason for this amendment is to achieve consistency in drafting throughout the Bill.	2	4	7
30	Enactment Amendments	Amend section 166 to widen the definition of 'enactment' to include legislation from Scotland and Northern Ireland, in addition to Wales and England. Amend sections 117, 153(7) and 167 to limit the definition of 'enactment' for those provisions to only legislation from Wales and England.	The effect of these amendments is that where a provision in the Bill relates to an enactment, this will include legislation from all 4 nations, rather than Wales and England only; except for sections 117, 153(7) and 167, where that definition will be limited.	The reason for these amendments is that the definition of 'enactment', as currently set out in Section 166 of the Bill, places unnecessary and unintended limitations on our legislation. These amendments seek to rectify that issue. There are also links to the way in which Cross Border issues are being dealt with.	TBC	4	V



# Eitem 4

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

Ymchwiliad i rôl Cymru yn y broses o wneud penderfyniadau yn yr UE

EU 7 - Pwyllgor Economaidd a Chymdeithasol Ewrop

## **Tystiolaeth i Bwyllgor Cyfansoddiadol Cynulliad Cenedlaethol Cymru – 11-9-2013**

### **Rôl Cymru ym mhroses benderfynu'r Undeb Ewropeaidd**

#### **1. Beth yw'r EESC a'i rôl yn y broses benderfynu?**

Cafodd yr EESC - Pwyllgor Economaidd a Chymdeithasol Ewrop [eesc.europa.eu] – ei sefydlu yn 1958 fel Corff Ymgynghorol Statudol i'r Undeb Ewropeaidd. Cafodd ei gyfrifoldebau eu cryfhau gan Gytuniad Lisbon mewn cydnabyddiaeth o bwysigrwydd cynyddol democratiaeth gyfranogol a'r angen i gynnwys dinasyddion yn fwy ym mhrosesau benderfynu'r Undeb.

Caiff ei ddisgrifio'n aml yn "chwaer gorff" Pwyllgor y Rhanbarthau y mae'r Cynulliad yn aelod ohono ac maent yn rhannu adnoddau Staff ac Adeiladau ar Rue Belliard ym Mrwsel.

Mae hefyd yn disgrifio ei hun yn "bont" rhwng cymdeithas sifil a'r Sefydliadau Ewropeaidd eraill, gan hyrwyddo deialog, cymodi safbwyntiau gwahanol, hwyluso lleisiau dinasyddion a hybu ymgynghori eang a thryloyw.

Mae ganddo tua 350 o Aelodau a benodir, nad ydynt ar gyflog misol, o bob un o'r 28 o Aelod-wladwriaethau gan adlewyrchu safbwyntiau ac arbenigedd Partneriaid Cymdeithasol [cyflogwyr, undebwyr llafur etc] a Phartneriaid Sifil [Busnesau Bach a Chanolig, Cyrff Anllywodraethol, Ffermwyr, y Proffesiynau, Addysgwyr, arbenigwyr ar Gwsmeriaid, Hyrwyddwyr Anableded a Hawliau, a'r Sector Gwirfoddol cyffredinol].



Mae gallu'r EESC i ddylanwadu ar broses benderfynu'r UE yn dibynnu ar allu ei Aelodau, Staff ac Arbenigwyr i ddarparu datganiadau Barn ffurfiol ac anffurfiol o safon ar bob agwedd ar Bolisiau Ewropeaidd sy'n cael eu cyfeirio ato gan y Cyngor, y Senedd a/neu'r Comisiwn. Mae aelodau yn ymuno â gweithgorau ac Adrannau thematig i ymchwilio a dadlau, ac yn y pen draw dod i gytundeb drwy gyfarfodydd Llawn bob mis cyn anfon datganiadau Barn sy'n adlewyrchu safbwyntiau ystyriol yr EESC at y Cyrff penderfynu. Mae'r Comisiwn Ewropeaidd yn ei dro yn ymateb yn ffurfiol ac yn gyhoeddus i'r datganiadau Barn hyn gan nodi eu dylanwad a'u perthnasedd. Mae cyfle hefyd i'r EESC gyhoeddi datganiadau Barn liwt ei hun i herio'r Sefydliadau neu ddatblygu meddwl newydd o gymdeithas sifil. Ymchwilir i'r mwyafrif o ddatganiadau Barn drwy wrandawiadau a chyfraniad aelodau o gymdeithas sifil ar draws yr Undeb, tra cydnabyddir bod llawer mwy o le i gynyddu lefelau cyfranogi, o ystyried y datblygiadau diweddar mewn technoleg a dyhead am Undeb Ewropeaidd mwy cynhwysol.

Mae'r Pwyllgor mewn cyswllt rheolaidd â Swyddogion y Comisiwn, Seneddwyr a Chomisiynwyr sy'n mynychu ac yn annerch y cyfarfodydd Llawn [fel y gwna Cynrychiolwyr Gwladol yn ystod cyfnod eu Llywyddiaeth ar y Cyngor].

Ar wahân i'w datganiadau Barn ar bolisiau, mae'r Pwyllgor yn cael ei gynrychioli mewn Cynadleddau Rhyngwladol ac yn gweithio gyda'r Pwyllgor Economaidd a Chymdeithasol – lle maent yn bodoli – mewn Aelod-wladwriaethau. Mae'n cynnal Diwrnod Agored, mae ganddo raglen addysg ysgolion ac mae'n hyrwyddo ymgyrchoedd yr UE, "Blwyddyn – ee – Gwirfoddoli, Dinasyddiaeth [2013]". Mae ef hefyd yn chwarae rôl wirioneddol yn helpu i baratoi gallu cymdeithas sifil mewn gwledydd sydd wedi gwneud cais i ddod yn aelod o'r UE yn

ogystal â datblygu cysylltiadau anwleidyddol â mudiadau cymdeithas sifil ar draws Cyfandiroedd.

## **2-Beth yw rôl Cymru yn yr EESC ?**

Rôl Cymru yn yr EESC a'i gallu i ddylanwadu.

[sylw personol ac anwyddonol!]

Mae gan Gymru 3 Aelod o'r 23 o aelodau a enwebir o Lywodraeth y Deyrnas Unedig yn yr EESC sydd â 350 o aelodau. Cyn 2006, roedd gan Gymru 2 aelod medrus iawn ac uchel eu parch, sef Rose D'Sa a Brian Curtis. Yn 2005, bu i Gyngor Gweithredu Gwirfoddol Cymru [WCVA], mewn cydnabyddiaeth o bwysigrwydd cynyddol y Trydydd Sector i ddinasyddiaeth weithgar Cymru, cynwysoldeb y Cynulliad a Llywodraeth Cymru wrth weithio mewn partneriaeth fel esiamplau o werth i Wladwriaethau a Rhanbarthau Ewropeaidd eraill ac fel darparwyr a hwyluswyr Adnoddau a Rhaglenni o bwys yr UE, wneud cais i Brif Weinidog Cymru bryd hynny, Rhodri Morgan, y dylai Cymru gael mwy o gyfleoedd cyfranogi ar lefel Ewropeaidd. Rhan o'r cais oedd cynnwys enwebiad ychwanegol i'r EESC o Gymru o fewn Cyflenwad y DU, a chytunodd y Prif Weinidog i hyn. Mae pob Aelod, ar ôl cael eu penodi, yn gweithredu fel unigolion gan ddatblygu safbwyntiau sydd wedi'u seilio ar eu profiadau a'u harsylwadau yn ystod dadleuon a diwygiadau ar adeg pleidleisio. Serch hynny, mae Aelodau'r DU, fel y gwna rhai eraill, yn trefnu cyfarfodydd gyda Swyddogion Llywodraeth y DU sy'n cynnwys cynrychiolwyr Llywodraeth Cymru ym Mrwsel, er mwyn cyfnewid barn. Mae Prif Weinidog Cymru hefyd yn gwahodd yn rheolaidd y 3 Aelod o Gymru ac Aelodau o Senedd Ewrop i gyfnewid barn [pan fo dyddiaduron yn caniatáu!]

Mae Brian a Rose wedi chwarae rhan weithredol yn drafftio datganiadau Barn ac yn gweithredu fel Cadeiryddion a/neu Rapporteurs ac rwy'n ddiweddar wedi cael fy ethol i Bwyllgor Gweithredol yr Adran Wledig, Amaethyddol ac Amgylcheddol [NAT]. Hefyd, llwyddais i sicrhau'r hawl i siarad yn Gymraeg mewn cyfarfodydd Llawn, gyda chefnogaeth lawn Staff Llywodraeth Cymru ym Mrwsel. Yn wir, rwy'n cadw mewn cysylltiad rheolaidd â staff Llywodraeth Cymru ym Mrwsel sy'n gefnogol iawn. Ym mhob dadl ar ddatganiadau Barn perthnasol, rwy'n ceisio asesu unrhyw effaith negyddol neu bositif y gallai polisiau newydd gan yr UE ei chael ar Gymru. Pan nad oes gen i wybodaeth fanwl, gallaf ofyn am gyngor yn bennaf drwy WCVA neu fudiad perthnasol arall yn y gymdeithas sifil, er byddaf yn cymryd cyfrifoldeb llawn dros fy mhleidlais derfynol. Mae gan WCVA, drwy ei Swyddogion Polisi Ewropeaidd, fynediad at Bapurau Drafft yr EESC a gallant fy helpu i ffurfio barn drwy ledaenu cais am ymgynghori drwy fudiadau perthnasol. Mae hyn yn ymgais i wella cysylltedd a dylanwad rhwng Cymdeithas Sifil Cymru a Sefydliadau'r UE.

Gyda chymorth WCVA, rwyf hefyd wedi hwyluso ymweliadau gan Gydweithwyr a Swyddogion Ewropeaidd i Gymru ac i'r Senedd yn ogystal â hwyluso ymweliadau a chyfleoedd siarad i gynrychiolwyr cymdeithas sifil o Gymru mewn Gwrandawriadau ym Mrwsel. Mae fy ngwybodaeth o ddatblygu polisiau Ewropeaidd hefyd wedi rhoi'r cyfle i mi gyfrannu'n ddiweddar yma yng Nghymru, er enghraifft, fel aelod o Grŵp Cynghori Rhaglen Datblygu Gwledig [2014-2020] Gweinidog Amaethyddiaeth Llywodraeth Cymru. Bob tro caf gyfle, rwy'n ceisio siarad â mudiadau ac ysgolion am yr EESC a democratiaeth gyfranogol ar bob lefel o lywodraeth. Rwyf hefyd wedi defnyddio fforwm rheolaidd Llywodraeth Cymru ar Faterion Ewropeaidd i ymgysylltu â'n cynulleidfa yng Nghymru.

## **Y Dyfodol**

Gallai'r cynnydd parhaus yn nifer yr Aelod-wladwriaethau sy'n ymuno â'r Undeb roi pwysau ar rai Aelod-wladwriaethau i leihau maint eu Dirprwyaeth. Gobeithiaf, gyda dim ond 3 aelod, na fydd gallu Cymru i ddylanwadu yn cael ei leihau.

Yr her i Aelodau yw codi ymwybyddiaeth o waith yr EESC a dod o hyd i ffyrdd newydd o ennyn diddordeb dinasyddion i ryngweithio â phenderfynwyr yr UE a dinasyddion eraill ar draws yr Undeb.

Tom Jones, aelod o'r EESC, 11-9-2013.

# Eitem 6.1

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon